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Dated: April 9, 2009
Electronic Signature for William A. Di Bianca: /William A. Di Bianca/

SPINE 3.0-446 CIP III CONT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: :
Ralph et al. :
Application No.: 10/648, 464 : Group Art Unit: 3774
Filed: August 25, 2003 : Examiner: J. G. Blanco
For: INTERVERTEBRAL SPACER DEVICE :
HAVING A SLOTTED PARTIAL :
CIRCULAR DOMED ARCH STRIP SPRING :

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Madam:

In response to the Official Action mailed February 26, 2009, Applicants submit the following remarks to the 37 C.F.R. § 1.105 Requirement for Information due on April 26, 2009. Applicants thank the Examiner for discussing the current Action with Applicants' undersigned counsel during a telephone discussion on March 24, 2009.

As outlined in the Action, 37 C.F.R. § 1.105 states in part that in the course of examining a matter, the Examiner may require the submission of such information that "may be reasonably necessary to properly examine or treat the matter." In accordance with M.P.E.P. § 704.11(a)(G), information that may be reasonably required is "identification of pending or abandoned applications filed by at least one of the inventors or assigned to the same assignee as the current application that disclose similar subject matter that are not otherwise identified in the current application." Pursuant to the above

mentioned MPEP section and as requested by the Examiner in the Action, Applicants submit the following list of all applications and patents related to the present application:

SERIAL. NO.	PATENT NO.
09/982,148	6,673,113
10/035,614	6,669,731
10/035,640	6,887,273
10/035,668	6,645,249
10/035,669	6,610,092
10/128,619	6,863,689
10/140,153	
10/151,280	
10/175,417	
10/256,160	6,989,032
10/282,356	7,169,182
10/294,980	7,118,599
10/294,981	7,101,399
10/294,982	7,022,139
10/294,983	7,258,699
10/294,984	7,044,969
10/294,985	7,060,098
10/294,986	7,066,959
10/294,988	7,163,559
10/294,989	7,044,970
10/309,585	7,115,132
10/425,267	7,235,081
10/642,522	
10/642,523	7,141,069
10/642,524	7,186,268
10/642,526	
10/642,527	7,223,290
10/642,528	7,160,327
10/642,529	
10/648,464	
10/663,486	7,491,241
10/663,486	7,491,241
10/663,486	7,491,241
10/663,487	

SERIAL. NO.	PATENT NO.
10/663,487	
10/663,487	
10/663,488	
10/663,488	
10/663,488	
10/663,492	7,223,291
10/663,492	7,223,291
10/663,492	7,223,291
10/663,493	
10/663,493	
10/663,493	
10/706,766	7,014,658
10/715,969	7,261,739
10/725,296	6,869,446
10/725,297	6,932,844
10/782,981	
10/783,152	
10/784,597	
10/784,598	
10/784,628	
10/784,629	
10/784,637	
10/784,645	
10/784,646	
11/037,921	7,141,070
11/073,987	
11/208,664	7,144,426
11/657,268	
11/716,360	
11/716,360	
11/716,360	
11/789,327	
12/150,105	
12/321,562	
12/321,562	
12/321,562	

Applicants respectfully submit that there is no requirement on the Applicants to self-examine the present application. Determining what might be subject to double patenting is part of the examination process and not the responsibility of the Applicants. At this time, Applicants request that the Examiner examine the pending claims on the merits. If, however, for any reason the Examiner does not believe that action can be taken at this time, it respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested response, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 9, 2009

Respectfully submitted,
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